

# **Tennessee Public Buildings Accessibility Act**

The Tennessee Public Building Accessibility Act (TPBAA), Tenn. Code Ann. §§ 68-120-200 et seq., requires any public building that is constructed, enlarged, or substantially altered or repaired after July 1, 2006, to be designed and constructed to make the building accessible. TPBAA contains provisions of law designed to make public buildings accessible to and functional for persons who are physically handicapped.

## **Accessibility Code**

Tenn. Code Ann. § 68-120-204(a)(1) establishes the current accessibility codes as:

1. the 2002 North Carolina Accessibility Code with 2004 amendments, and any further amendments, supplements or subsequent editions; or
2. any other code as the state fire marshal determines by rule; or
3. the currently enforced Uniform Federal Accessibility Standards (UFAS); or
4. the currently enforced Americans with Disabilities Act Accessibility Guidelines (ADAAG).

The Fire Marshal's Office has not adopted an accessibility code by rule.

Local jurisdictions may choose to enforce the state codes or choose from the codes or publications of other nationally recognized agencies or organizations

## **Public Building**

Tenn. Code Ann. § 68-120-203(2), defines "public buildings" as any building, structure, or improved area owned or leased by the state of Tennessee or its political subdivisions, and any building, structure, or improved area used primarily by the general public as a place of gathering or amusement, including, but not limited to, theaters, restaurants, hotels, factories, office buildings, stadiums, hospitals, voting areas, shopping areas, convention centers and all other public accommodations.

Also, Tenn. Code Ann. § 68-120-204(b) requires all auditoriums, theaters, gymnasiums, stadiums, and other public entertainment facilities to provide accommodations in level or nearly level locations from which persons confined in wheelchairs may see and hear the offered entertainment as well as persons regularly seated in the facility. These accommodations must also comply with the accessibility standards and with state and local fire safety requirements for emergency egress.

## **Responsible Authority/Enforcement**

Under Tenn. Code Ann. § 68-120-205(a), enforcement of the TPBAA is designated to the "responsible authority" for any "public buildings".

Tenn. Code Ann. § 68-120-203(3) makes the responsible authority the local building inspector and: (A) the state building commission (created in T.C. A. § 4-15-101 and consisting of the Governor, the Secretary of State, the Comptroller of the Treasury, the State Treasurer, the Commissioner of Finance and Administration, and the Speakers of the Senate and the House of Representatives), with respect to all public buildings owned or leased by the State of Tennessee or any department, institution or agency thereof; and

(B) the state fire marshal (the Commissioner of Commerce and Insurance) with respect to public buildings which are reviewed by the state fire marshal's office (public buildings reviewed under the authority of T.C.A. § 68-120-101(d) and Tenn. Comp. R. & Reg. 0780—2—3—.01 [Review of Construction Plans and Specifications]).

Tenn. Code Ann. § 4-5-106(a) specifically makes it the duty and responsibility of the state building commission to enforce the TPBAA for all state-owned or leased buildings (or buildings owned or leased by any department, institution or agency of state government).

The State Fire Marshal's Office reviews plans and specifications for state-owned or state-leased buildings for their compliance with the minimum statewide building construction safety standards and compliance with life safety issues pursuant to Tenn. Comp. R. & Reg. 0780—2—3—.01.

### **Accessibility Symbol**

All public buildings constructed or remodeled in accordance with the TPBAA, or containing facilities that are in compliance with the TPBAA, shall display a symbol, which is white on a blue background. The specifications for this symbol shall be furnished by the Department of Transportation indicating the location of such facilities designed for the physically handicapped. Chapter 1680-3-1 of the rules of the Tennessee Department of Transportation has adopted the current edition of the United States Department of Transportation, Federal Highway Administration, *Manual on Uniform Traffic Control Devices for Streets and Highways*, 2003 Edition, in its entirety. See, [http://mutcd.fhwa.dot.gov/HTM/2003r1/part3/fig3b-19\\_longdesc.htm](http://mutcd.fhwa.dot.gov/HTM/2003r1/part3/fig3b-19_longdesc.htm). When a building contains an entrance other than the main entrance which is ramped or level for use by the physically handicapped, a sign showing its location shall be posted at or near the main entrance which shall be visible from the adjacent public sidewalk or way. (Tenn. Code Ann. § 68-120-204(a)(3)).

### **Links of Interest**

Tennessee Public Buildings Accessibility Act

<http://www.michie.com/tennessee>

(Reference Title 68, Chapter 120, Part 2)

Americans with Disability Act information

[www.ada.gov](http://www.ada.gov)

North Carolina Department of Insurance, Office of the State Fire Marshal

[http://www.ncdoi.com/OSFM/Engineering/BCC/engineering\\_bcc\\_home.asp](http://www.ncdoi.com/OSFM/Engineering/BCC/engineering_bcc_home.asp)

The North Carolina Accessibility Code is not available online, but can be purchased from several different vendors.

Fair Housing Information

<http://www.huduser.org/publications/destech/fairhousing.html>